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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN KEITH WRIGHT,

Defendant.

Case No. 2:17-cr-00142-JAD-VCF

ORDER

MOTION TO PRODUCE COMMUNICATION (ECF No. 31) AND MOTION TO STRIKE (ECF No. 33)

Before the Court is Defendant Brian Wright's Motion to Produce Communication Between AUSA and CJA Administrator (ECF No. 31) and the Government's Motion to Strike Pro Se Motion to Produce Communication Between AUSA and CJA (ECF 33). For the reasons stated below, the Government's motion to strike is granted.

On September 11, 2017, the Court held a hearing regarding Wright's counsel. (ECF No. 27). The Court granted Wright's motion to dismiss counsel and appointed new counsel that same day. (ECF No. 30). Three days later, Wright personally filed a motion to obtain any communications made by the Government to the CJA Administrator regarding the appointment of counsel, alleging the Government may have unjustly influenced the choice of counsel. (ECF No. 31). The Government filed a motion to strike Wright's motion, arguing Wright "cannot file pro se documents because he is represented by counsel" and the Government had not contacted the CJA Administrator prior to Wright's new counsel being appointed. (ECF No. 33 at 2-3). Wright did not file an opposition to the Government's motion.

Under LR IA 11-6, "[a] party who has appeared by attorney cannot while so represented appear or act in the case," meaning "that party may not personally file a document with the court." In addition, under LCR 47-3, "[t]he failure of an opposing party to include points and authorities in response to any

1 motion constitutes a consent to granting the motion.” Therefore, the Government’s motion to strike is
2 granted.


3 ACCORDINGLY, and for good cause shown,

4 IT IS HEREBY ORDERED that the Government’s Motion to Strike Pro Se Motion to Produce
5 Communication Between AUSA and CJA (ECF 33) is GRANTED.

6 IT IS FURTHER ORDERED that Wright’s Motion to Produce Communication Between AUSA
7 and CJA Administrator (ECF No. 31) is hereby STRICKEN.

8 IT IS SO ORDERED.

9 DATED this 13th day of October, 2017.

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13 CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE
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